THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.12320 of 2007

Date: 14.06.2007

Between:

I.Srinivasa Rao

....Petitioner

and

The Eastern Power Distribution Company of A.P. Limited and others.

....Respondents

O R D E R:

The petitioner is a consumer under service connection No. 23/Category-I (Domestic). The premises were inspected on 10.01.2007 and certain acts and omissions were noticed by the respondents, which they attributed to the petitioner. Notice of provisional assessment for theft of electricity, dated 24.01.2007, was issued pointing out that the value of the electricity stolen by the petitioner was assessed at Rs.52,938/-. The petitioner was given an option to pay half of the said amount, together with supervision charges for continuance of the power supply. The petitioner challenges the same.

Heard the learned counsel for the petitioner.

The learned standing counsel for the respondents submits that when serious allegations of theft of power are made, the impact thereof cannot be restricted to the immediate past. He submits that the actual liability of the petitioner would be determined while passing the order of final assessment or in the proceedings that may be initiated before the Special Court.

As of now, the petitioner is facing an allegation of theft of power. The truth or otherwise of the same needs to be determined in the proceedings that may be initiated in accordance with the

relevant provisions of law. The adjudication thereof naturally takes some time. The petitioner cannot be required to shell down the entire amount even while the allegation against him is yet to be proved.

This Court is of the view that the interest of the parties can be protected by directing the petitioner to pay one-fourth of the amount provisionally assessed against him, as a condition precedent for continuance of the power supply.

Hence, the writ petition is disposed of, directing that the respondents shall not disconnect the power supply to the petitioner, if he deposits a sum of Rs.14,000/- (Rupees fourteen thousand only) within one (1) week from today. It is, however, made clear that the petitioner shall be liable to pay the amount that may be indicated in the order of final assessment or any other proceedings as may be initiated by the respondents, in accordance with law. There shall be no order as to costs.

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14.06.2007

kdl